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NOTES OF CASES.

Street Railways—Parallel Tracks—Negligence.—That a passenger alighting from a street car and passing back of it to cross the street is negligent in stepping upon the parallel track without looking for an approaching car is held, in *Louisville C. R. Co. v. Hudgins* (Ky.) 7 L.R.A.(N.S.) 152, not to relieve the street car company from liability for injuries inflicted by such car, if those in charge of it, by the exercise of ordinary care, could have discovered the peril and prevented the injury.

Street Railways—Negligence.—The liability of a street car company for injury to a person walking on its track, by the propelling against him of a car running at high speed, with no watchfulness on the part of the motorman for persons on the track, is sustained in *Indianapolis Traction & T. Co. v. Kidd* (Ind.) 7 L.R.A.(N.S.) 143, notwithstanding such person may be guilty of some negligence in being on the track, if he is not negligent in failing to discover the approach of the car, so that his negligence is merely a remote cause of the accident.

Judgments—Indexing.—The record of a judgment against one whose Christian name is Francis, if indexed under the name of Frank, is held, in *Burns v. Ross* (Pa.) 7 L.R.A.(N.S.) 415, to charge a prospective purchaser from the judgment debtor's heirs with notice of the existence of the judgment.

Schools—Power to Regulate Teacher's Dress.—A regulation of the department of public instruction prohibiting teachers in common schools from wearing a distinctively religious garb while engaged in the work of teaching is held, in *O'Connor v. Hendrick* (N. Y.) 7 L.R.A.(N.S.) 402, not to be unreasonable.

Charitable Associations—Fraternal Beneficiary Association.—A fraternal beneficiary association conducted for the mutual benefit of its members, and for the purpose of providing a fund for the payment of stated dues and fees from such members for the payment of a special amount upon the death of each member to a beneficiary named by him, is held, in *Royal Highlanders v. State* (Neb.) 7 L.R.A.(N.S.) 380, not to be a charitable association, and its property and funds not to be used exclusively for charitable purposes, so as to be exempt from taxation by the laws of the state.

Executors and Administrators—Power to Incumber Trust Estate.—The power of executors to mortgage the trust estate, under a will placing the estate in their hands in trust to use the income for the maintenance of testator's son, for the accomplishment of which pur-

pose they are given power to manage the property, sell land, or convey the latter or any part thereof as the testator might himself do, is sustained in *Re Lueft* (Wis.) 7 L.R.A.(N. S.) 263, where, without the mortgage, the income does not exceed the necessary expenses of maintaining the estate, while by means of it sufficient to maintain the son will be secured.

Deportation of Insane Persons.—In *State v. Superior Court*, 88 Pacific Reporter, 207, the Supreme Court of Washington holds the law of that state relating to the deportation of insane persons invalid as being incapable of judicial enforcement, remarking that, notwithstanding the court might direct the sheriff to deport prisoners to their home in an adjoining state, the officer's powers would cease immediately on his crossing the state boundary, so that to that extent the court's decree would be incapable of complete enforcement.

Liability of Carrier for Injury to Passenger Riding on Pass.—Passes may be tatooed by our legislature, but, nevertheless, persons will occasionally be found riding on them, and in *Bradburn v. Whatcom County Railway & Light Company*, 88 Pacific Reporter, 1020, the Supreme Court of Washington holds that a carrier is liable for injuries to a passenger riding on a pass in violation of law at the time of the injury, the same as it would be to a passenger paying fare; citing *Buffalo, etc., R. Co. v. O'Hara*, 9 American & English Railroad Cases, 317.

Transfer Tax.—The proceeds of an insurance policy issued by a New York company to a resident of New Jersey, in which latter state the company has an agent on whom process may be served, is by the New York Court of Appeals in *Re Gordon's Estate*, 79 Northeastern Reporter, 722, held not subject to the New York transfer tax, principally on the ground that the proceeds of the policy could be collected by suit in New Jersey without invoking the aid of the New York courts.

Use of National Flag for Advertising.—The United States Supreme Court in *Halter v. State*, 27 Supreme Court Reporter, 419, upholds as constitutional the Nebraska law of 1903 making it a misdemeanor to use representations of the national flag upon articles of merchandise for advertising purposes, thus, in effect overruling *Rubstrat v. People*, 185 Ill. 133, 57 Northeastern Reporter, 41, and *People ex rel. McPike v. Vandecarr*, 178 N. Y. 425, 70 Northeastern Reporter, 965.

State Statute Prohibiting Transportation of Water to Another State.—Cities located near state boundary line often draw their water supply from the lakes and rivers of the neighboring state. Where a city is exceptionally large the water supply for domestic purposes of